

Resolution No.:	17-364
Introduced:	January 17, 2012
Adopted:	February 28, 2012

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Council President

SUBJECT: Amendment to the Maryland-National Capital Park and Planning Commission's (M-NCPPC) FY11-16 Capital Improvements Program and Supplemental Appropriation to the FY12 Capital Budget, for ADA Compliance: Non-Local Parks, #128702

Background

1. Article 28, Section 2-118(a)(6) of the Annotated Code of Maryland permits the County Council to amend the budget of the M-NCPPC by resolution on the Council's initiative, or at the request of the Commission, after receipt of a recommendation from the County Executive and after public hearing upon reasonable notice to the public.
2. Section 307 of the Montgomery County Charter states that a supplemental appropriation shall be recommended by the County Executive, who shall specify the source of funds to finance it. The Council shall hold a public hearing on each proposed supplemental appropriation after at least one week's notice. A supplemental appropriation that would comply with, avail the County of, or put into effect a grant or a federal, state, or county law or regulation, or one that is approved after January 1 of any fiscal year, requires an affirmative vote of five (5) Councilmembers. A supplemental appropriation for any other purpose that is approved before January 1 of any fiscal year requires an affirmative vote of six (6) Councilmembers. The Council may, in a single action, approve more than one supplemental appropriation. The Executive may disapprove or reduce a supplemental appropriation, and the Council may reapprove the appropriation as if it were an item in the annual budget.

3. On behalf of the Maryland-National Capital Park and Planning Commission (M-NCPPC), the County Executive transmitted the following FY12 supplemental appropriation:

Project Name	Project No.	Cost Element	Amount	Source of Funds
ADA Compliance: Non-Local Parks	128702	Planning, Design, Supervision	\$250,000	GO Bonds
ADA Compliance: Non-Local Parks	128702	Site Improvements	\$75,000	GO Bonds
ADA Compliance: Non-Local Parks	128702	TOTAL	\$325,000	GO Bonds

4. M-NCPPC requests that the County Council approve this supplemental appropriation to fund the federally mandated self-evaluation of all park facilities, and development of an ADA Transition Plan as required under Title II of the Americans with Disabilities Act (ADA). Additionally, as part of a settlement with the U.S. Department of Justice (DOJ) in August 2011, M-NCPPC agreed to comply with a number of actions noted by a DOJ compliance review, and to provide signage directing users to accessible entrances and general information about accessible facilities.
5. The County Executive transmitted, but did not support due to lack of available FY12 bond capacity, the requested amendment to the FY11-16 CIP and supplemental appropriation to the FY12 Capital Budget of M-NCPPC.
6. The public was notified by a news release, and a public hearing was held.

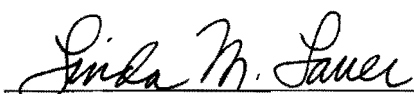
Action

The County Council for Montgomery County, Maryland, approves the following action:

The FY11-16 CIP of the Maryland-National Capital Park and Planning Commission is amended as reflected on the attached Project Description Form, and an FY12 supplemental appropriation is approved as follows:

Project Name	Project No.	Cost Element	Amount	Source of Funds
ADA Compliance: Non-Local Parks	128702	Planning, Design, Supervision	\$250,000	GO Bonds
ADA Compliance: Non-Local Parks	128702	Site Improvements	\$75,000	GO Bonds
ADA Compliance: Non-Local Parks	128702	TOTAL	\$325,000	GO Bonds

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

ADA Compliance: Non-Local Parks -- No. 128702

Category
Subcategory
Administering Agency
Planning Area

M-NCPPC
Development
M-NCPPC
Countywide

Date Last Modified
Required Adequate Public Facility
Relocation Impact
Status

February 29, 2012
No
None.
Planning Stage

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY10	Rem. FY10	Total 6 Years	FY11	FY12	FY13	FY14	FY15	FY16	Beyond 6 Years
Planning, Design, and Supervision	750	0	0	750	0	100	350	100	100	100	0
Land	0	0	0	0	0	0	0	0	0	0	0
Site Improvements and Utilities	1,275	0	0	1,275	0	0	225	250	350	450	0
Construction	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Total	2,025	0	0	2,025	0	100	575	350	450	550	*

FUNDING SCHEDULE (\$000)

Current Revenue: General	250	0	0	250	0	50	50	50	50	50	0
G.O. Bonds	1,775	0	0	1,775	0	50	525	300	400	500	0
Total	2,025	0	0	2,025	0	100	575	350	450	550	0

DESCRIPTION

This program provides for an on-going comprehensive effort to ensure that all non-local parks and park facilities are built and maintained in compliance with Title II of the Americans with Disabilities Act (ADA) and the ADA Accessibility Guidelines (ADAAG) standards. This program includes efforts to comply with the revisions to Title II of the ADA, which will go into effect on March 15, 2011.

This program also includes policy development and advanced technical training for Department of Parks' architects and engineers to ensure that ADA compliance and accessibility are incorporated throughout the park system's planning, design and construction processes in order to ensure that parks and park facilities comply with the new revisions to Title II of the ADA.

New Title II requirements include revisions to the existing 1991 ADAAG and additional standards for facilities not addressed in the 1991 ADAAG including swimming pools, recreational facilities, and playgrounds.

JUSTIFICATION

Montgomery County was selected by the DOJ for a Project Civic Access (PCA) review in 2006. PCA is a proactive, ongoing initiative of the Disability Rights Section (DRS) of the DOJ Civil Rights Division to ensure ADA compliance in local and state governments throughout the Country. DOJ has completed reviews and signed settlement agreements with over 150 districts to date. DOJ has inspected over 112 County facilities, including 15 local parks that fall under the M-NCPPC's jurisdiction. Montgomery County received a draft settlement agreement from DOJ in March 2009 and is now negotiating a legally binding settlement to address the findings, both those related to buildings and other facilities and those related to policies. This agreement will require the County and its agencies to remediate any problems identified by DOJ within a negotiated timeline and to place assurances for self assessing and remediation for the future, including efforts to comply with the new Title II requirements.

On September 15, 2010, DOJ approved revisions to Title II of the ADA, which impact park and recreational facilities such as swimming pools, recreation facilities, and playgrounds. Local and State governments will be required to comply with these revisions, which will go into effect on March 15, 2011; full compliance is required by March 15, 2012. The revised Title II of the ADA requires local and state governments, within one year of the effective date of the Act, to conduct a self-evaluation of constructed and altered facilities built between July 1992 and September 2010 for compliance with the 1991 ADA standards.

OTHER

Beginning in FY13, \$50,000 is budgeted for required ADA retrofits to leased properties that cannot be funded with general obligation bonds.

FISCAL NOTE

FY12 Supplemental Appropriation of \$325,000 GO Bonds, was approved to fund a federally mandated study of all park facilities to identify and correct access issues. Expenditure of these funds begins in FY13.

OTHER DISCLOSURES

- * Expenditures will continue indefinitely.

APPROPRIATION AND EXPENDITURE DATA

Date First Appropriation	FY12	(\$000)
First Cost Estimate		
Current Scope	FY12	1,700
Last FY's Cost Estimate		0
Appropriation Request	FY12	100
Supplemental Appropriation Request		325
Transfer		0
Cumulative Appropriation		0
Expenditures / Encumbrances		0
Unencumbered Balance		0
Partial Closeout Thru	FY09	0
New Partial Closeout	FY10	0
Total Partial Closeout		0

COORDINATION

United States Department of Justice
Department of Health and Human Services
Department of Transportation
County Attorney's Office
Montgomery County Public Schools
Revenue Authority
Department of General Services
ADA Compliance: Local Parks, PDF 128701

